

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT E. JOHNSON,

Plaintiff,

v.

HAROLD CLARKE *et al.*,

Defendants.

Case No. C05-5401 FDB

ORDER ADOPTING REPORT AND
RECOMMENDATION DENYING
INJUNCTIVE RELIEF

This civil rights action concerns the denial of extended family visits at McNeil Island. Plaintiff alleges the denial of his application for extended family visits was racially motivated and is a denial of equal protection. The matter comes before the Court on the Magistrate Judge's recommendation that Plaintiff's motion for preliminary injunction to require the Department of Corrections to allow Plaintiff and his wife extended family visits be denied.

As aptly stated by the Magistrate Judge, the Plaintiff has the ability in this case to reapply for extended family visits prior to seeking equitable relief. The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Kelly Arnold, objections thereto, and the remaining record, does hereby find and Order:

ORDER - 1

- 1 1) The Court adopts the Report and Recommendation;
- 2 (2) The motion for injunctive relief [Dkt #57] is **DENIED WITHOUT PREJUDICE**.
- 3 Plaintiff is instructed to reapply for extended family visits and receive either approval
- 4 or denial from the Department of Corrections prior to seeking injunctive relief on this
- 5 issue.
- 6 (3) The Clerk is directed to send copies of this Order to Plaintiff, counsel for any
- 7 Defendants who have appeared, and to the Hon. J. Kelly Arnold.


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9 DATED this 1st day of December, 2006.

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FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE

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